THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.17219 OF 1995

DATED: 22-08-2006

BETWEEN

The Executive Engineer,
I & CAD I B Division,
Warangal.

…PETITIONER

AND

Md. Mastan, S/o. Sirajuddin,
3/68-1-2-5-1, New Raipura,
Hanmakonda, Warangal District
and another.

…RESPONDENTS

ORDER:

This writ petition has been filed seeking to issue a writ of Certiorari calling for the records pertaining to the award passed in I.A.No.36 of 1992 dated 20.09.1994 by the Industrial Tribunal – cum – Labour Court, Warangal and to quash the same as illegal and arbitrary.

It is stated that, in fact, the Irrigation Department implemented the award dated 20.09.1994 passed by the Tribunal in I.D.No.36 of 1992 to reinstate the first respondent workman herein into service with continuity of service but without backwages.

Learned Government Pleader for Irrigation appearing for the petitioner as well as Mr. A.K. Jayaprakash Rao, learned counsel appearing for the first respondent, submit that, in fact, the award passed by the Tribunal was

implemented reinstating the first respondent herein into service with continuity of service on 23.02.2006 and thereafter, following due procedure prescribed in law his services were terminated by order dated 17.05.2006. Therefore, the workman filed W.P.No.10526 of 2006.

I am of the opinion that subsequent termination of the workman and his filing a writ petition has nothing to do with the subject matter of this writ petition, as this writ petition was filed only questioning the award of the Tribunal in setting aside the termination order passed by the petitioner herein and in directing to reinstate the first respondent herein into service with continuity of service. The first respondent herein was reinstated into service with continuity of service and was terminated after following due procedure of law, questioning the same the subsequent writ petition was filed, which has nothing to do with the subject matter of this writ petition.

As the award passed by the Tribunal was already implemented pursuant to the interim orders of this Court, I am of the opinion that the subject matter of the writ petition has becomes infructuous and nothing survives to be adjudicated.

The writ petition accordingly stands dismissed as infructuous. No costs.

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V. ESWARAIAH, J

August 22, 2006
DSK